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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Amendment of Rules Governing)
800 MHz Specialized Mobile Radio)
Service Systems to Permit the)
Licensing of Wide-Area Block)
Authorizations)

RM-8117

To: The Commission

COMMENTS ON PETITION FOR RULE MAKING

The Utilities Telecommunications Council (UTC) submits its comments in response to the October 26, 1992 Petition For Rule Making (Petition) filed with the Federal Communications Commission (FCC) by the American Mobile Telecommunications Association, Inc. (AMTA). The AMTA Petition requests the FCC to adopt a regulatory structure for authorizing wide-area advanced technology Specialized Mobile Radio (SMR) systems.

UTC is the national representative on communications matters for the nation's electric, gas, water and steam utilities. Approximately 2,000 utilities are members of UTC, ranging in size from large combination electric-gas-water utilities which serve millions of customers to the smaller, rural electric cooperatives and water districts which serve only a few thousand customers each. All utilities depend upon reliable and secure communication

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facilities to help carry out their public service obligations. Many utilities operate on 800/900 MHz channels allocated to the Industrial/Land Transportation category, channels which are also available to systems in the Specialized Mobile Radio Service through intercategory sharing rules. UTC therefore is interested in any rule changes which would alter utilities' ability to secure spectrum for private, internal communications systems.

AMTA proposes the FCC adopt a block licensing system to facilitate wide-area SMR systems. Its proposal contemplates block licensing with areas no smaller than MSAs and RSAs. Block licensees would need only to notify the FCC of construction of authorized frequencies at any location within the license block as long as adequate protection exists for co-channel licensees.

In markets with 42 or fewer unassigned SMR frequencies, AMTA proposes a window during which one or more licensees with an existing constructed system may apply for a block authorization. In these markets, AMTA's proposal would require that applicants identify all constructed frequencies operated by the applicant and propose implementation of an integrated, wide-area system using advanced technology capable of providing at least twice the channel capacity of analog equipment, without

frequency reuse. Applications would be granted in descending order of the number of discrete frequencies proposed for a system. All unassigned SMR frequencies should remain available for expansion of existing SMR systems or for new trunked applicants. Licensees could join a block licensee or create a new block applicant at any time. Licensees in markets with 42 or fewer assignable frequencies would be required to construct at least 20% of authorized channels using advanced technologies covering 75% of the population or the land within five years.

In markets with 42 or more unassigned frequencies, AMTA proposes that one or two block licenses be assigned through a lottery process. The application fee would be \$200.00 per channel instead of \$35.00 per site. Licensees must construct at least 20% of assigned channels using advanced technology within one year of grant or the licensee forfeits the license. Unconstructed channels would be recovered at the five year renewal. Licenses would not be transferable prior to completion of the initial 20% construction requirement.

Without addressing the relative merit of AMTA's proposal for wide-area licensing,^{1/} UTC requests that the

^{1/} UTC supports AMTA's proposition that any block licenses issued should satisfy a 40/22 dBu co-channel separation standard. This is consistent with UTC's

FCC specifically prohibit use of Industrial/Land Transportation frequencies by SMR systems authorized for block licenses. Specifically, should the FCC initiate a rule making proceeding on the basis of AMTA's proposal, UTC requests the FCC to include in the rule making a provision requiring SMR systems licensed on a block license basis to discontinue use of Industrial/Land Transportation frequencies obtained pursuant to intercategory sharing procedures^{2/} and to notify the FCC of the discontinued use within one year after grant of the block license. Since a block license would entail use of a greater number of frequencies than traditional SMR licensing over a larger geographic area to employ higher capacity digital SMR technology, SMR systems employing block licensing would not require the additional frequency capacity provided by Industrial/Land Transportation channels. Similarly, UTC requests that any rule making proposal preclude future intercategory sharing of Industrial/Land Transportation frequencies by SMR block system licensees.

Full use of the non-commercial Industrial/Land Transportation frequencies must be retained because of the

"Statement in Support of Petition For Rule Making" filed in response to RM-8028.

^{2/} Intercategory sharing procedures for Industrial/Land Transportation frequencies are outlined in Section 90.621(g) of the FCC's rules.

important internal uses for which they are employed. Utilities, for example, use mobile radio as a vital link in their communications systems, for gas and electric field crew dispatch, electric nuclear plant security and emergency response communications, emergency response to gas leaks and electrical outages and security and safety for transmission line crews and meter readers. The ability of utilities and other Industrial/Land Transportation eligibles to use these frequencies for important internal uses should not be jeopardized by the retention of Industrial/Land Transportation frequencies by SMR block licensees, or their future acquisition of the frequencies, for commercial purposes. As noted above, SMR block licensing would increase SMR system capacity so as to make further SMR block licensee use of Industrial/Land Transportation channels unnecessary.

WHEREFORE, THE PREMISES CONSIDERED, the Utilities Telecommunications Council respectfully requests that the Federal Communications Commission include provisions to protect non-commercial use of Industrial/Land Transportation frequencies if the instant Petition For Rule Making is granted.

Respectfully submitted,

UTILITIES TELECOMMUNICATIONS
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CERTIFICATE OF SERVICE

I, Nancy Thompson, a secretary with the Utilities Telecommunications Council, hereby certify that I have on this 21st day of December 1992, distributed a copy of the foregoing "Comments on Petition For Rule Making" via first class mail to the following:

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